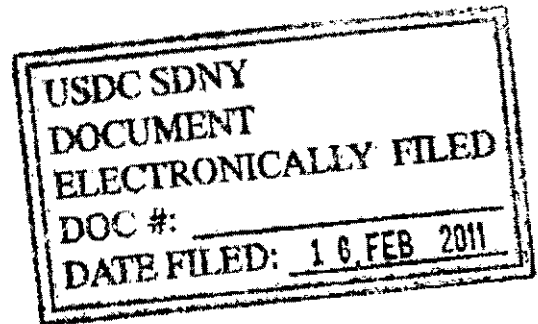


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
ROYAL & SUN ALLIANCE INSURANCE PLC,

Plaintiff,

-v-

No. 09 Civ. 5935 (LTS)(AJP)

UPS SUPPLY CHAIN SOLUTIONS, INC. et al.,

Defendants.
-----X

ORDER

Currently before the Court is the motion of Plaintiff Royal & Sun Alliance Insurance PLC ("Plaintiff") to preclude the testimony of three of Defendant International Management Services Company, Inc.'s ("Defendant") expert witnesses: Gerald Krueger, Thomas Ayres, and Stephen Chewing. The Court presumes familiarity with the nature of the disputed evidence and the underlying record.

The Federal Rules of Evidence permit opinion testimony by experts when the witness is "qualified as an expert by knowledge, skill, experience, training, or education," and "if scientific, technical or other specialized knowledge will assist the trier of fact to understand the evidence or to determine the fact in issue." Fed. R. Evid. 702 (West 2006). It is a "well-accepted principle that Rule 702 embodies a liberal standard of admissibility for expert opinions." Nimely v. City of New York, 414 F.3d 381, 395-96 (2d Cir. 2005).

The Court has reviewed thoroughly the parties' submissions in connection with Plaintiff's motion. The proffered testimony as circumscribed by Defendant's opposition papers

is relevant, and within the scope of evidence admissible under Federal Rules of Evidence 702.

Plaintiff's motion is, therefore, denied in its entirety.

This memorandum order resolves docket entry no. 85.

SO ORDERED.

Dated: New York, New York
February 16, 2011

A handwritten signature in black ink, appearing to read 'L. Swain', is written over a horizontal line.

LAURA TAYLOR SWAIN
United States District Judge